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Claim 4 (original): The method of Claim 1 further comprising the step of providing at least one earphone assembly coupled to said recording device.

Claim 5 (original): The method of Claim 1 further comprising the step of providing at least one microphone in a position that is remote from said recording device.

Claim 6 (original): The method of Claim 5 wherein said at least one remote microphone is in wireless communication with said recording device.

Claim 7 (original): The method of Claim 1 further comprising the step of providing means for adjusting the speed at which said words in said source language are played back.

Claims 8-10 (cancelled)

Remarks

I. Rejections Based on 35 U.S.C. § 103

a. Claims 1, 2 and 4

In the Office Action, the Examiner rejected Claims 1, 2 and 4 previously on file under 35 U.S.C. § 103 as being unpatentable over Glenn and Kunita. Applicant respectfully submits that his claimed invention, as clarified by this amendment, is patentably distinguishable over the cited combination.

Claim 1, upon which Claims 2 and 4 depend, has been clarified in a number of respects. First, it recites that the words in the source language are spoken to a human translator and are recorded. The recorded words in the source language are then played back to the human translator. During playback, the human translator

simultaneously translates the words in the source language to the target language, and does so in a legal proceeding. Support for this amendment may be found in the Specification. See Summary of the Invention, page 3, lines 12-18 ("The present invention, in one embodiment, consists of equipping the translator with a recording/playback device and a set of headphones. When the questioner speaks in the source language, the translator records the question. After waiting for the objection/ruling, the translator plays back the question, through the headphones, and simultaneously translates the question into the target language."); see also page 6, lines 9-10 (reference to use in a courtroom setting).

Applicant respectfully submits that these features are not shown in the cited references, alone or in combination. In this regard, neither Glenn nor Kunita discloses the use of a human translator. Instead, each is directed to electronic translation devices. See Glenn, Col. 1, lines 42-43 ("the invention in a preferred form is a compact, hand-held electronic translator"); Kunita, Col. 1, lines 6-7 ("The present invention relates to an electronic interpreting machine"). This is a critical distinction -- electronic translation devices are not permitted in legal proceedings, and instead the interpretation must be performed by a human interpreter.

Still further, Claim 1 recites that the human translator simultaneously translates the words in the source language, as they are being played back on the recording/playback device. Neither

Glenn nor Kunita discloses the playing back of previously-spoken source words, to a human translator, so that they may then be simultaneously translated by the human translator. (In Glenn, a user can play back the translation so that he or she may try to "emulate" it (Col. 2, lines 35-50) -- but this is not the same as playing back the source words, to the translator, so that they may be simultaneously translated.)

As clarified, the method disclosed in Claim 1 provides substantial advantages over the electronic systems disclosed in the cited art. Because it utilizes a human translator, it is useable in a legal proceeding - in contrast to the electronic devices of Glenn and Kunita. Moreover, it provides a method whereby the human translator can engage in simultaneous translation within a legal proceeding, after waiting for intervening objections and/or questions, instead of having to translate from memory (i.e., consecutively translate) words spoken earlier. In essence, the translator is able to offer simultaneous translation in a consecutive fashion. Previously, simultaneous translation, although more accurate, has not always been possible, because of the need to permit time for intervening objections, questions, and the like. And, because the translator is exposed to the source words twice -- the first time when they are spoken live and recorded and the second time when they are played back -- the translator will have the ability to render a more accurate translation than if he/she only heard them once and translated from memory.

b. Claim 3

In the Office Action, the Examiner rejected Claim 3 under 35 U.S.C. § 103 as being unpatentable over Glenn and Kunita, and further in view of Cherry. As discussed above, Claim 1, upon which Claim 3 depends, has been amended to clarify the manner in which it patentably distinguishes over Glenn and Kunita. For the same reasons that Claim 1 is not obvious in light of Glenn and Kunita, Applicant respectfully submits that Claim 3 is not obvious in light of the cited combination.

c. Claim 5 and 6

In the Office Action, the Examiner rejected Claims 5 and 6 under 35 U.S.C. § 103 as being unpatentable over Glenn and Kunita, and further in view of Kannes. As discussed above, Claim 1, upon which Claims 5 and 6 depend, has been amended to clarify the manner in which it patentably distinguishes over Glenn and Kunita. For the same reasons that Claim 1 is not obvious in light of Glenn and Kunita, Applicant respectfully submits that Claims 5 and 6 are not obvious in light of the cited combination.

d. Claim 7

In the Office Action, the Examiner rejected Claim 7 under 35 U.S.C. § 103 as being unpatentable over Glenn and Kunita, and further in view of Stockham. As discussed above, Claim 1, upon which Claim 7 depends, has been amended to clarify the manner in which it patentably distinguishes over Glenn and Kunita. For the same reasons that Claim 1 is not obvious in light of Glenn and Kunita, Applicant respectfully submits that Claim 7 is not obvious

in light of the cited combination.

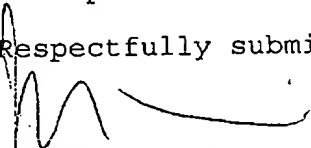
e. Claims 8-10

In the Office Action, the Examiner rejected Claims 8-10. In order to expedite the prosecution of this application, Applicant has cancelled these claims without prejudice or disclaimer.

Applicant respectfully submits that Applicant's Claimed Invention is deserving of patent protection because it describes a useful and functional method which patentably distinguishes over the cited prior art. In conclusion, Applicant respectfully submits that this Amendment, including the amendments to the Claims and in view of the Remarks offered in conjunction therewith, are fully responsive to all aspects of the objections and rejections tendered by the Examiner in the Office Action. Applicant respectfully submits that he has persuasively demonstrated that the above-identified Patent Application, including Claims 1-7, is in condition for allowance. Such action is earnestly solicited.

If there are any fees incurred by this Amendment Letter, please deduct them from our Deposit Account No. 23-0830.

Respectfully submitted,


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